

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

CrI. Bail Appln: No. S-404 of 2018.

Muhammad Majid abbasi @ Jabal.Applicant.

Versus.

The State.Respondent.

Mr. Nasrullah Unar, Advocate for the Applicant.

Ms. Sana Memon, APG.

Mr. A. Rehman Raza Abbasi, Advocate for the complainant.

Date of hearing and order 26.06.2018.

ORDER

IRSHAD ALI SHAH, J. As per FIR, the applicant allegedly with rest of the culprits in furtherance of their common intention, caused injuries to P.W. Imran with sharp cutting and hard blunt substance with intention to commit his murder, for that the present case was registered.

2. On having been refused post-arrest bail by the learned trial Court, the applicant has sought for the same from this Court by making the instant bail application under section 497 Cr.P.C.

3. It is contended by the learned counsel for the applicant that he being innocent has been involved in this case falsely by the complainant party due to dispute over installation of “Alam Pak”, there is delay of four days in lodging of FIR, no injury to the injured is attributed to the applicant specifically, he is in jail since fifteen months without any progress in his trial, co-accused Suhail has already been admitted to bail by the learned trial Court. By contending so, he sought for release of the applicant on bail, as according to him, his case is calling for further inquiry. In support of his

contention, he relied upon the cases of **Ghulam Murtaza v. The State (2011 YLR 1147)**, (2) **Sikandar Ali v. The State (2003 YLR 2160)**, (3) **Muhammad Munir and another v. The State (2004 PCr.LJ 1860)**, (4) **Waqas Shahid v. The State (2007 YLR 3139)**, (5) **Ali Muhammad v. The State (2011 YLR 1091)**, (6) **Muhammad Tufail alias Butt v. The State (2003 YLR 2046)** and (7) **Naveed Akhtar alias Chanda v. The State (2003 YLR 2536)**.

4. While rebutting the above contention, learned counsel for the complainant has opposed to grant of bail to the applicant by contending that he has actively participated in commission of incident. In support of his contention, he relied upon the cases of **Muhammad Akram v. The State (1996 MLD 2038)** and **Ali Akhtar v. The State (2011 PCr.LJ 983)**.

5. Learned APG has supported the impugned order.

6. I have heard learned counsel for the parties and perused the record.

7. There is delay of about four days in lodging the FIR, same could not be lost sight of. P.W. Imran on medical examination was not found sustaining no injury with sharp cutting weapon, which appears to be significant, he during course of his examination under section 161 Cr.P.C. nominated the applicant, co-accused Suhail and two unknown culprits responsible for causing "Sarota" injuries to him with intention to commit his murder. No injury to injured P.W. Imran is attributed to the applicant specifically. There is no recovery of any sort from the applicant. The applicant is in custody since fifteen months without any active progress in his trial. In these circumstances, it is rightly being contended by the learned

counsel for the applicant that he is entitled to be released on bail, as his case is calling for further inquiry.

8. The case law, which is relied upon by the learned counsel for the complainant is on distinguishable facts and circumstances. In case of **Muhammad Ikram** (Suprta), the main reason to refused bail to the accused was that he was attributed role of causing grievous injury to the injured on his head, thereby injured sustained damage to his skull. In the instant case no specific injury is attributed to the applicant. The allegation against the applicant is general in nature. In case of **Ali Akhtar** (Suprta), the main reason to refuse bail to the accused was that the FIR was lodged promptly with specific allegation to the accused for causing injury to the injured on his skull. In the instant matter the FIR is lodged with delay of four days and no specific injury to the injured is attributed to the applicant.

9. In view of above while relying upon the case law, which is referred by the learned counsel for the applicant, the applicant is admitted to bail subject to his furnishing surety in the sum of Rs.50,000/= (Fifty thousand) and PR bond in the like amount to the satisfaction of learned trial Court.

10. The instant bail application stands disposed of in above terms.

JUDGE